

[First Reprint]

ASSEMBLY, No. 4389

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED DECEMBER 5, 2011

Sponsored by:

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District 6 (Camden)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

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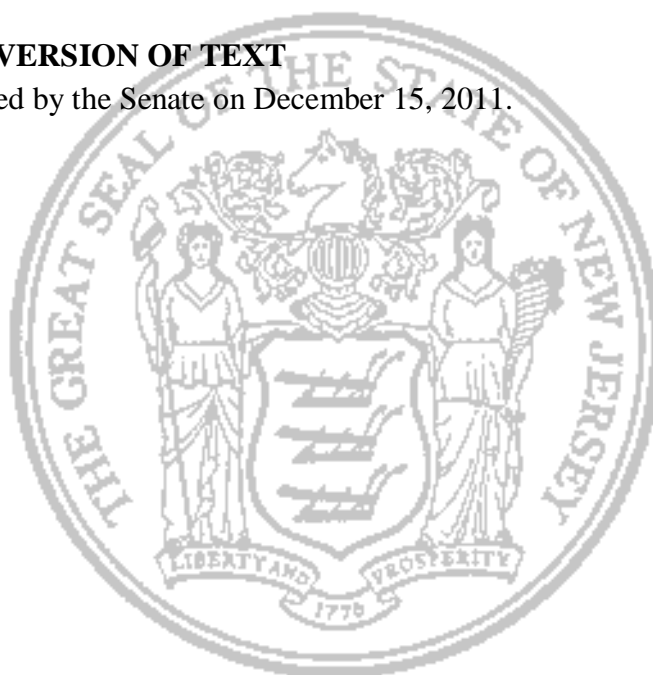
**Assemblyman Fuentes, Assemblywoman Riley, Senators Beach, Turner
and Greenstein**

SYNOPSIS

Permits registered voters to receive mail-in ballots automatically for all elections under certain conditions; limits number of sample ballots transmitted to each residence.

CURRENT VERSION OF TEXT

As amended by the Senate on December 15, 2011.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT concerning mail-in and sample ballots, amending various
2 parts of Title 19 of the Revised Statutes, and supplementing
3 P.L.2009, c.79 (C.19:63-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
9 as follows:

10 3. a. A qualified voter shall be entitled to vote using a mail-in
11 ballot in any election held in this State.

12 b. Not less than seven days before an election in which a voter
13 wants to vote by mail, the voter may apply to the person designated
14 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
15 application shall be in writing, shall be signed by the applicant and
16 shall state the applicant's place of voting residence and the address
17 to which the ballot shall be sent. The Secretary of State shall
18 prepare a mail-in application form and shall have the authority to
19 promulgate any rules and regulations the secretary deems necessary
20 to effectuate the purposes of this subsection.

21 c. Any voter wanting to vote by mail in any election may apply
22 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
23 for a mail-in ballot to be sent to the voter. A voter who is a member
24 of the armed forces of the United States may use a federal postcard
25 application form to apply for a mail-in ballot.

26 d. Any voter who fails to apply for a mail-in ballot before the
27 seven-day period prescribed in subsection b. of this section may
28 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
29 of the day before the election.

30 e. (1) A voter who wishes to vote only by mail-in ballot in all
31 future **[general]** elections, including general elections, in which the
32 voter is eligible to vote, and who states that on an application for a
33 mail-in ballot, shall be furnished such a ballot by the county clerk
34 without further request on the part of the voter and until the voter
35 requests that the voter no longer be sent a mail-in ballot. A voter
36 shall also have the option to indicate on an application for a mail-in
37 ballot that the voter would like to receive such a ballot for **[each**
38 **election that takes place during the remainder of the calendar year**
39 **in which the application is completed and submitted]** future general
40 elections only ¹[or future municipal elections only]¹. A voter who
41 exercises **[this]** ¹[either] this¹ option shall be furnished with a
42 mail-in ballot for each future general election **[that takes place**
43 **during the remainder of the calendar year]** ¹[or each future
44 municipal election only]¹ without further request by the voter. A

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 15, 2011.

1 person voting by mail-in ballot who registered by mail after January
2 1, 2003, who did not provide personal identification information
3 when registering pursuant to section 16 of P.L.1974, c.30 (C.19:31-
4 6.4) and is voting for the first time in his or her current county of
5 residence following registration shall include copies of the required
6 identification information with the mail-in ballot. Failure to include
7 such information with the mail-in ballot shall result in its rejection.

8 (2) In the event that a voter who has requested a mail-in ballot
9 for all future elections does not complete and return such a ballot
10 for canvassing for two consecutive elections following the election
11 at which the voter last voted, the voter shall be treated as if he or
12 she requested a mail-in ballot for future general elections only and
13 shall continue to be furnished with mail-in ballots for future general
14 elections in accordance with paragraph (3) of this subsection, and
15 the ability of such a voter to receive a mail-in ballot for future
16 elections other than general elections shall be suspended until the
17 voter submits a new application for such a ballot that indicates that
18 the voter wishes to receive a ballot for all future elections.

19 **[(2)] (3)** In the event that a voter who has requested a mail-in
20 ballot for **[all]** future general elections only does not complete and
21 return such a ballot for canvassing for the fourth general election
22 following the general election at which the voter last voted, the
23 county clerk shall send a notice to that voter to ascertain whether he
24 or she continues to reside at the address from which that voter is
25 registered to vote and continues to be eligible to vote. If the notice
26 is not completed and returned by the voter to the clerk before the
27 **[40th]** 45th day prior to the next general election, a mail-in ballot
28 shall not be sent to the voter for that general election. The ability of
29 such a voter to receive a mail-in ballot for **[all]** future general
30 elections only shall be suspended until the voter submits a new
31 application for such a ballot that indicates that the voter wishes to
32 receive **[the]** a ballot for **[all]** future general elections only or for
33 all future elections.

34 ¹**[(4)]** In the event that a voter who has requested a mail-in ballot
35 for future municipal elections only in those municipalities that hold
36 such elections pursuant to the “Uniform Nonpartisan Elections
37 Law,” P.L.1981, c.379 (C.40:45-5 et seq.), does not complete and
38 return such a ballot for canvassing for the fourth such election
39 following the municipal election at which the voter last voted, the
40 county clerk shall send a notice to that voter to ascertain whether he
41 or she continues to reside at the address from which that voter is
42 registered to vote and continues to be eligible to vote. If the notice
43 is not completed and returned by the voter to the clerk before the
44 45th day prior to the next municipal election, a mail-in ballot shall
45 not be sent to the voter for that municipal election. The ability of
46 such a voter to receive a mail-in ballot for future municipal
47 elections only shall be suspended until the voter submits a new

1 application for such a ballot that indicates that the voter wishes to
2 receive a ballot for future municipal elections only.】'

3 **【(3)】'【(5)】(4)'** The county clerk shall not transmit a mail-in
4 ballot for any election to any person who is deemed by a county
5 commissioner of registration to be an inactive voter or whose
6 registration file has been transferred to the deleted file pursuant to
7 R.S.19:31-19.

8 (cf: P.L.2009, c.79, s.3)

9
10 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
11 as follows:

12 6. a. The county clerk, in the case of any Statewide election,
13 countywide election, or school election in a regional or other school
14 district comprising more than one municipality; the municipal clerk,
15 in the case of any municipal election or school election in a school
16 district comprising a single municipality; and the commissioners or
17 other governing or administrative body of the district, in the case of
18 any election to be held in any fire district or other special district,
19 other than a municipality, created for specified public purposes
20 within one or more municipalities, shall publish the following
21 notice in substantially the following form:

22 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

23 If you are a qualified and registered voter of the State who wants
24 to vote by mail in the..... (school, municipal, primary,
25 general, or other) election to be held on..... (date of election)
26 complete the application form below and send to the undersigned,
27 or write or apply in person to the undersigned at once requesting
28 that a mail-in ballot be forwarded to you. The request must state
29 your home address and the address to which the ballot should be
30 sent. The request must be dated and signed with your signature.

31 If any person has assisted you to complete the mail-in ballot
32 application, the name, address and signature of the assistor must be
33 provided on the application, and you must sign and date the
34 application for it to be valid and processed. No person shall serve
35 as an authorized messenger for more than 10 qualified voters in an
36 election. No person who is a candidate in the election for which the
37 voter requests a mail-in ballot may provide any assistance in the
38 completion of the ballot or may serve as an authorized messenger or
39 bearer.

40 No mail-in ballot will be provided to any applicant who submits
41 a request therefor by mail unless the request is received at least
42 seven days before the election and contains the requested
43 information. A voter may, however, request an application in
44 person from the county clerk up to 3 p.m. of the day before the
45 election. Voters who want to vote only by mail in all future
46 elections in which they are eligible to vote and who state that on
47 their application shall, after their initial request and without further
48 action on their part, be provided a mail-in ballot by the county clerk

1 until the voter requests that the voter no longer be sent such a
2 ballot. A voter's failure to vote in two consecutive elections
3 following the election at which the voter last voted will result in the
4 suspension of that voter's ability to receive a mail-in ballot for all
5 future elections other than the general election, unless a new
6 application is completed and filed with the county clerk.

7 Voters who want to vote only by mail in **[all]** future general
8 elections only in which they are eligible to vote, and who state that
9 on their application shall, after their initial request and without
10 further action on their part, be provided a mail-in ballot by the
11 county clerk until the voter requests that the voter no longer be sent
12 such a ballot. **[A voter's failure to vote in the fourth general**
13 **election following the general election at which the voter last voted**
14 **may result in the suspension of that voter's ability to receive a mail-**
15 **in ballot for all future general elections unless a new application is**
16 **completed and filed with the county clerk.**

17 Voters also have the option of indicating on their mail-in ballot
18 applications that they would prefer to receive mail-in ballots for
19 each election that takes place during the remainder of this calendar
20 year. Voters who exercise this option will be furnished with mail-in
21 ballots for each election that takes place during the remainder of
22 this calendar year, without further action on their part.]

23 A voter's failure to vote in the fourth general election following
24 the general election at which the voter last voted may result in the
25 suspension of that voter's ability to receive a mail-in ballot for all
26 future general elections unless a new application is completed and
27 filed with the county clerk. ' [A voter's failure to vote in the fourth
28 municipal election following the municipal election at which the
29 voter last voted may result in the suspension of that voter's ability to
30 receive a mail-in ballot for future municipal elections unless a new
31 application is completed and filed with the county clerk.]'

32 Application forms may be obtained by applying to the
33 undersigned either in writing or by telephone, or the application
34 form provided below may be completed and forwarded to the
35 undersigned.

36 Dated.....
37
38 (signature and title of county clerk)
39
40 (address of county clerk)
41
42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
44 all information regarding overseas ballots to each overseas voter
45 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
46 seq.). The secretary shall also make available valid overseas voter
47 registration and ballot applications to any voter who is a member of

1 the armed forces of the United States and who is a permanent
2 resident of this State, or who is an overseas voter who wishes to
3 register to vote or to vote in any jurisdiction in this State. The
4 secretary shall provide such public notice as may be deemed
5 necessary to inform members of the armed forces of the United
6 States and overseas voters how to obtain valid overseas voter
7 registration and ballot applications.

8 (2) The Secretary of State shall undertake a program to inform
9 voters in this State about their eligibility to vote by mail pursuant to
10 this act. Dissemination of this information shall be included in the
11 standard notices required by this section and other provisions of
12 current law, including but not limited to the notice requirements of
13 R.S.19:12-7, and shall be effectuated by such means as the secretary
14 deems appropriate and to the extent that funds for such
15 dissemination are appropriated including, but not limited to, by
16 means of Statewide or local electronic media, public service
17 announcements broadcast by such media, notices on the Internet site
18 of the Department of State or any other department or agency of the
19 Executive Branch of State government or its political subdivisions
20 deemed appropriate by the secretary, and special mailings or notices
21 in newspapers or other publications circulating in the counties or
22 municipalities of this State.

23 c. The mail-in ballot materials shall contain a notice that any
24 person voting by mail-in ballot who has registered by mail after
25 January 1, 2003, who did not provide personal identification
26 information when registering and is voting for the first time in his
27 or her current county of residence following registration shall
28 include copies of the required identification information with the
29 mail-in ballot, and that failure to include such information shall
30 result in the rejection of the ballot.

31 d. The notice provided for in subsection a. of this section shall
32 be published before the 55th day immediately preceding the holding
33 of any election.

34 Notices relating to any Statewide or countywide election shall be
35 published in at least two newspapers published in each county. All
36 officials charged with the duty of publishing such notices shall
37 publish the same in at least one newspaper published in each
38 municipality or district in which the election is to be held, or if no
39 newspaper is published in the municipality or district, then in a
40 newspaper published in the county and circulating in the
41 municipality or district. All such notices shall be display
42 advertisements.

43 (cf: P.L.2011, c.134, s.50)

44
45 3. (New section) a. Any voter who has opted to receive a mail-
46 in ballot for all future elections, or for future general elections only
47 ¹or for future municipal elections only¹, pursuant to law, and has
48 not returned a voted ballot to the county board of elections but

1 appears at the polling place to which the voter would be assigned if
2 voting in person on the day of a general election or any other
3 election, shall be permitted to vote in person by provisional ballot
4 pursuant to section 20 of P.L.2009, c. 79 (C.19:63-20).

5 b. Following the election, the voter shall be removed from the
6 list of voters who automatically receive a mail-in ballot for all
7 future elections, or for future general elections only '【or future
8 municipal elections only】', as the case may be.

9 c. In order to again receive a mail-in ballot for all future
10 elections, or for future general elections only '【or future municipal
11 elections only】', the voter shall be required to apply in the manner
12 provided by law to be placed on the list of voters who wish to
13 receive a mail-in ballot for such elections.

14

15 4. R.S.19:14-21 is amended to read as follows:

16 19:14-21. The county clerk shall cause samples of the official
17 general election ballot to be printed in English, but for each election
18 district within the county in which the primary language of 10% or
19 more of the registered voters is Spanish, shall cause samples of the
20 official general election ballot to be printed bilingually in English
21 and Spanish.

22 a. In counties not having a superintendent of elections where
23 the county board of elections does not have the equipment or
24 facilities to address and mail sample ballot envelopes, the county
25 clerk not later than noon of the eighth day prior to the general
26 election shall furnish to the municipal clerk of each municipality in
27 his county one and one-tenth times as many such sample ballots and
28 stamped envelopes as there are voters registered in the case of the
29 general election and the municipal election, and in the case of any
30 other election as many ballots and envelopes as there are residence
31 addresses where at least one resident is a registered voter, less the
32 number of voters who have been sent a confirmation notice
33 pursuant to subsection d. of R.S.19:31-15 and have not responded,
34 to enable each district board in each municipality to mail one of
35 such sample ballots to each voter who is registered in the
36 municipality in the case of the general election and the municipal
37 election, and in the case of any other election to each residence
38 address where at least one resident thereof is a registered voter in
39 the municipality, except those voters who have been sent a
40 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
41 have not responded, for such election and shall take a receipt for the
42 same from each of the municipal clerks, which receipt shall indicate
43 the number of such sample ballots and stamped envelopes delivered
44 by the county clerk and the date and hour of their delivery.

45 b. In counties having a superintendent of elections, and in other
46 counties where the county board of elections may have the
47 equipment or facilities to prepare a properly stamped envelope
48 addressed to each registered voter in the county in the case of the

1 general election and municipal election, and in the case of any other
2 election to each residence address where at least one resident
3 thereof is a registered voter in the county for mailing, the county
4 clerk, not later than the thirtieth day preceding the general election,
5 shall furnish to the commissioner of registration located in his
6 county one and one-tenth times as many stamped envelopes as there
7 are registered voters in the county in the case of the general election
8 and the municipal election, and in the case of any other election for
9 each residence address where at least one resident is a registered
10 voter in the county, less the number of voters who have been sent a
11 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
12 have not responded, and not later than noon of the twelfth day
13 preceding the general election shall furnish to the commissioner of
14 registration located in the county, one and one-tenth times as many
15 sample ballots as there are registered voters in the county in the
16 case of the general election and the municipal election, and in the
17 case of any other election for each residence address where at least
18 one resident is a registered voter in the county to enable the
19 commissioner of registration of the county to mail one of such
20 sample ballots to each voter registered in the county in the case of
21 the general election and the municipal election, and in the case of
22 any other election to each residence address where at least one
23 resident thereof is a registered voter in the county, except those
24 voters who have been sent a confirmation notice pursuant to
25 subsection d. of R.S.19:31-15 and have not responded, for such
26 election and shall take a receipt for the same from the commissioner
27 of registration, which receipt shall indicate the number of such
28 sample ballots and stamped envelopes delivered by the county clerk
29 and the date and hour of their delivery. County boards of elections
30 which elect to operate under the provisions of this paragraph shall
31 notify their county clerk in sufficient time to enable him to make
32 the necessary arrangements the first year.

33 c. The county clerk in counties having a superintendent of
34 elections shall also deliver to the county board not later than the
35 twelfth day preceding the general election 10 such sample ballots of
36 each election district of each municipality in the county.

37 d. Notwithstanding any other provision of this section, in all
38 elections: (1) whenever registered voters having different surnames
39 reside at the same residence address, each registered voter at that
40 residence address shall be mailed a separate sample ballot; and (2)
41 every registered voter whose mailing address is a post office box
42 shall be mailed a separate sample ballot.

43 (cf: P.L.2009, c.110, s.1)

44
45 5. R.S.19:14-25 is amended to read as follows:

46 19:14-25. In counties not having a superintendent of elections
47 where the county board of elections does not have the equipment or
48 facilities to address and mail sample ballot envelopes, all the

1 members of each of the district boards shall prepare and deposit in
2 the post office, on or before 12 noon on Wednesday preceding the
3 general election day, a properly stamped envelope containing a
4 copy of the sample ballot printed in English, addressed to each
5 registered voter in the case of the general election and the municipal
6 election, and in the case of any other election to each residence
7 address where at least one resident thereof is a registered voter in
8 the district of such board at the address shown on the register,
9 except that for districts in which the primary language of 10% or
10 more of the registered voters is Spanish, a properly stamped
11 envelope containing a copy of the bilingual sample ballot,
12 addressed to each registered voter in the case of the general election
13 and the municipal election, and in the case of any other election to
14 each residence address where at least one resident thereof is a
15 registered voter in the district of such board at the address shown on
16 the register shall be prepared and deposited. The board shall also
17 post the appropriate sample ballots in the polling place in its
18 district.

19 The board shall return to the municipal clerk all ballots and
20 envelopes not mailed or posted by it, with a sworn statement in
21 writing signed by a majority of the board that all the remainder of
22 such ballots and envelopes had been mailed.

23 In counties having a superintendent of elections, and in other
24 counties where the county board of elections shall elect to operate
25 under the provisions of subsection b. of section 19:14-21 of this
26 Title, the commissioner of registration shall prepare and deposit in
27 the post office on or before 12:00 o'clock noon, on the Wednesday
28 preceding the general election day, a properly stamped envelope
29 containing a copy of the sample ballot printed in English addressed
30 to each registered voter in the case of the general election and the
31 municipal election, and in the case of any other election to each
32 residence address where at least one resident thereof is a registered
33 voter in the county at the address shown on the registry, except that
34 for districts in which the primary language of 10% or more of the
35 registered voters is Spanish, a properly stamped envelope
36 containing a copy of the bilingual sample ballot, addressed to each
37 registered voter in the case of the general election and the municipal
38 election, and in the case of any other election to each residence
39 address where at least one residence thereof is a registered voter in
40 the district of such board at the address shown on the register shall
41 be prepared and deposited. The commissioner of registration shall
42 return to the county clerk all ballots and envelopes not mailed or
43 posted by him, with a sworn statement in writing signed by him
44 that all the remainder of such ballots and envelopes have been
45 mailed.

46 The county board of elections, in all counties having a
47 superintendent of elections, and in other counties where the county
48 board of elections shall elect to operate under the provisions of

1 subsection b. of section 19:14-21 of this Title, shall, not later than
2 noon of the second Monday preceding the election, deliver or mail
3 to the members of the district board three appropriate sample ballots
4 for their respective election district. The board shall post the
5 appropriate sample ballots in the polling place in its district.

6 Notwithstanding any other provision of this section, in all
7 elections: (1) whenever registered voters having different surnames
8 reside at the same residence address, each registered voter at that
9 residence address shall be mailed a separate sample ballot; and (2)
10 every registered voter whose mailing address is a post office box
11 shall be mailed a separate sample ballot.

12 (cf: P.L.1974, c.30, s.3)

13
14 6. R.S.19:14-27 is amended to read as follows:

15 19:14-27. Except as provided by section 19:14-33 of this Title,
16 when any question or proposition shall be submitted to the people
17 of the State at any general election or at any election held to vote on
18 a constitutional amendment, there shall be mailed to each registered
19 voter in the case of the general election and the municipal election,
20 and in the case of any other election to each residence address
21 where at least one resident thereof is a registered voter, in the same
22 envelope with the sample ballot a printed copy of the act of the
23 Legislature or constitutional amendment which is so submitted;
24 provided, however, in counties where sample ballots are so folded
25 that they can be mailed to [the registrants] each such registered
26 voter or residence address as appropriate without being inserted in
27 envelopes, as permitted by section 19:49-4 of this Title, the
28 commissioner of registration shall make such arrangements for
29 mailing the printed copy of the act of the Legislature or
30 constitutional amendment as are practical to enable each
31 [registrant] such registered voter or residence address to receive a
32 copy thereof.

33 Notwithstanding any other provisions of this section, in all
34 elections: (1) whenever registered voters having different surnames
35 reside at the same residence address, each registered voter at that
36 residence address shall be mailed a separate sample ballot; and (2)
37 every registered voter whose mailing address is a post office box
38 shall be mailed a separate sample ballot.

39 (cf: P.L.1947, c.53, s.1)

40
41 7. R.S.19:23-30 is amended to read as follows:

42 19:23-30. a. In counties not having a superintendent of
43 elections where the county board of elections does not have the
44 equipment or facilities to address and mail sample ballot envelopes,
45 the municipal clerk shall cause to be printed as herewith prescribed
46 a sufficient number of official primary sample ballots of each
47 political party in each election district and shall furnish a sufficient
48 number of stamped envelopes to enable every district board to mail

1 one copy of such ballot of each political party to each [voter who is
2 registered] residence address where at least one resident thereof is a
3 registered voter in the district for the primary election, less the
4 number of voters who have been sent a confirmation notice
5 pursuant to subsection d. of R.S.19:31-15 and have not responded.
6 The municipal clerk shall deliver to the county clerk in all counties
7 and the county board in counties having a superintendent of
8 elections one official primary sample ballot of each political party
9 for each district in his municipality. The cost of printing the
10 official primary sample ballots and the stamped envelopes therefor
11 shall be paid by the respective municipalities.

12 b. In counties having a superintendent of elections, and in other
13 counties where the county board of elections may have the
14 equipment or facilities to prepare a properly stamped envelope
15 addressed to each [registered voter] residence address where at
16 least one resident thereof is a registered voter in the county for
17 mailing, the municipal clerk shall cause to be printed as herewith
18 prescribed a sufficient number of official primary sample ballots of
19 each political party for each election district and shall furnish a
20 sufficient number of stamped envelopes to enable the commissioner
21 of registration of the county to mail one copy of such ballot of each
22 political party to each [voter who is registered] residence address
23 where at least one resident thereof is a registered voter in the
24 district for the primary election, less the number of voters who have
25 been sent a confirmation notice pursuant to subsection d. of
26 R.S.19:31-15 and have not responded. The municipal clerk shall
27 also deliver to the county board ten official primary sample ballots
28 of each political party for each district in his municipality. The cost
29 of printing of the official primary sample ballots and stamped
30 envelopes therefor shall be paid for by the respective municipalities.
31 County boards of elections which elect to operate under the
32 provisions of this paragraph shall notify their respective municipal
33 clerks in sufficient time to enable them to make the necessary
34 arrangements the first year.

35 c. Notwithstanding any other provisions of this section, in all
36 elections: (1) whenever registered voters having different surnames
37 reside at the same residence address, each registered voter at that
38 residence address shall be mailed a separate sample ballot; and (2)
39 every registered voter whose mailing address is a post office box
40 shall be mailed a separate sample ballot.

41 (cf: P.L.2009, c.110, s.2)

42

43 8. R.S.19:23-33 is amended to read as follows:

44 19:23-33. In counties not having a superintendent of elections
45 where the county board of elections does not have the equipment or
46 facilities to address and mail sample ballot envelopes, the municipal
47 clerk in each municipality shall furnish to a member of each district
48 board in his municipality, at his office, or in any other way that he

1 sees fit, on or before Tuesday preceding the primary election in
2 each year, sufficient sample ballots and sufficient stamped
3 envelopes to enable the board to mail sample ballots to the **【voters】**
4 residence addresses where at least one resident is a registered voter
5 as hereinbefore provided. Each of the boards shall give the
6 municipal clerk a receipt for such sample ballots and envelopes
7 signed by one of its members.

8 In counties having a superintendent of elections, and in other
9 counties where the county board of elections shall elect to operate
10 under the provisions of subsection b. of section 19:23-30 of this
11 Title, the municipal clerk in each municipality shall furnish to the
12 commissioner of registration of his county not later than thirty days
13 preceding the primary election of each year, sufficient stamped
14 envelopes to enable the commissioner of registration to mail sample
15 ballots to **【each voter who is registered】** the residence address
16 where at least one resident thereof is a registered voter in the
17 county, less the number of voters who have been sent a
18 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
19 have not responded, and shall, not later than noon of the twelfth day
20 preceding the primary election furnish sufficient sample ballots to
21 the commissioner of registration of his county for that purpose. The
22 commissioner of registration shall give the municipal clerk a receipt
23 for such sample ballots and envelopes.

24 Notwithstanding any other provisions of this section, in all
25 elections: (1) whenever registered voters having different surnames
26 reside at the same residence address, each registered voter at that
27 residence address shall be mailed a separate sample ballot; and (2)
28 every registered voter whose mailing address is a post office box
29 shall be mailed a separate sample ballot.

30 (cf: P.L.2009, c.110, s.3)

31

32 9. R.S.19:23-34 is amended to read as follows:

33 19:23-34. Each of such district boards, in counties not having a
34 superintendent of elections where the county board of elections
35 does not have the equipment or facilities to address and mail sample
36 ballot envelopes, and the commissioner of registration in all other
37 counties, shall prepare and deposit in the post office, on or before
38 twelve o'clock noon on Wednesday preceding the primary day, the
39 stamped envelopes containing a copy of the sample primary ballot
40 of each political party addressed to each **【voter whose name】**
41 residence address where the name of at least one resident thereof
42 appears in the primary election registry book.

43 Notwithstanding any other provisions of this section, in all
44 elections: (1) whenever registered voters having different surnames
45 reside at the same residence address, each registered voter at that
46 residence address shall be mailed a separate sample ballot; and (2)
47 every registered voter whose mailing address is a post office box

1 shall be mailed a separate sample ballot.

2 (cf: P.L.1947, c.168, s.11)

3

4 10. Section 12 of P.L.1974, c.26 (C.19:44A-37) is amended to
5 read as follows:

6 12. The Election Law Enforcement Commission shall, on or
7 before the forty-fifth day prior to the date on which the general
8 election is to be held, supply each county clerk with the text of
9 statements from each candidate for election to the office of
10 Governor. Each candidate for the office of Governor who wishes a
11 statement mailed on his behalf shall submit to the commission, on
12 forms provided by it, his proposed statement which shall not exceed
13 500 words in length. Each county clerk shall cause the statements
14 submitted by all such candidates to be printed and mailed with the
15 sample ballot for the general election to each registered voter in the
16 county with a short explanation prepared by the commission that
17 such statements are provided pursuant to this law to assist the
18 voters of this State in making their determination among the
19 candidates for the office of Governor. The cost of printing and
20 mailing such statements shall be paid for by the counties; except
21 that any cost to the counties resulting from the printing and mailing
22 of such statements shall be reimbursed from State funds
23 appropriated to the commission for that purpose on claim therefor
24 made by the county clerk to the commission.

25 Whenever registered voters having different surnames reside at
26 the same residence address, the separate sample ballot mailed to
27 each registered voter at that residence address shall contain the
28 statements submitted by all such candidates.

29 Whenever the mailing address of a registered voter is a post
30 office box, the separate sample ballot mailed to that voter shall
31 contain the statements submitted by all such candidates.

32 (cf: P.L.1980, c.74, s.12)

33

34 11. R.S.19:49-4 is amended to read as follows:

35 19:49-4 a. (1) The officer or officers whose duty it may be
36 under this subtitle to provide and furnish official ballots for any
37 polling place where a voting machine is to be used shall also
38 provide 2 sample ballots or more, or instruction ballots, which
39 sample or instruction ballot shall be arranged in the form of a
40 diagram showing such portion of the face of the voting machine as
41 it will appear after the official ballots are arranged thereon or
42 therein for voting on election day. Such sample or instruction
43 ballots shall be open to the inspection of all voters on election day,
44 in all elections where voting machines are used.

45 (2) For election districts in which the primary language of 10%
46 or more of the registered voters is Spanish, the officer or officers
47 whose duty it may be under this subtitle to provide and furnish
48 official ballots for any polling place where a voting machine is to be

1 used shall also provide 2 sample ballots or more, or instruction
2 ballots, printed bilingually in English and Spanish. Such sample or
3 instruction ballots shall be open to the inspection of all voters on
4 election day, in appropriate election districts, in all elections where
5 voting machines are used.

6 b. There shall be furnished a sufficient number of sample
7 ballots printed entirely in black ink, a facsimile of the face of the
8 machine, of a reduced size, one of which sample ballots shall be
9 mailed to each registered voter in the case of the general election
10 and the municipal election, and in the case of any other election to
11 the residence address where at least one resident thereof is a
12 registered voter, except that for election districts in which the
13 primary language of 10% or more of the registered voters is
14 Spanish, sample ballots printed bilingually in English and Spanish
15 shall be mailed to each such registered voter or residence address,
16 as appropriate. Any reference to sample ballot envelopes in any
17 section of this Title to the contrary notwithstanding, in all counties
18 where voting machines are used and wherein the commissioner of
19 registration has the facilities to mail out sample ballots direct to
20 **【the registrants of】** each registered voter in the case of the general
21 election and the municipal election, and in the case of any other
22 election to the residence address where at least one resident thereof
23 is a registered voter in such county and has elected so to do, as
24 otherwise in this Title provided, the commissioner of registration in
25 any such county may request the county clerk of such county to
26 have the sample ballots prepared in the manner following:

27 (1) The county clerk shall have said sample ballots for all
28 general and special elections printed in such manner that, when
29 folded, the words "Official General Election Sample Ballot" or as
30 the case may be, shall appear on the reverse side thereof, together
31 with the words "In cases where the sample ballot is to be sent to an
32 addressee who, or a residence address which, does not receive **【his】**
33 mail by delivery to **【his home】** the addressee's home or the
34 residence address or through rural free delivery "if not delivered
35 within 5 days return to the commissioner of registration" and in all
36 other cases "if not delivered within 2 days return to the
37 commissioner of registration." Do not Forward. Return Postage
38 Guaranteed" over the return address of the commissioner of
39 registration. Such portion of the ballot may contain such additional
40 words that conform with United States Postal regulations that will
41 prevent such envelope from being forwarded to **【the voter at】** any
42 other address than that appearing on the envelope, and that will
43 cause such envelope to be returned to the commissioner of
44 registration, with information thereon from the post office showing
45 the reason for nondelivery.

46 (2) The county clerk in drawing the specifications for the
47 printing of the official primary ballots shall include the requirement
48 that the municipal clerks shall have primary sample ballots printed

1 in such manner that, when folded, the words "Official Primary
2 Election Sample Ballot" shall appear on the reverse side thereof,
3 together with the words "In cases where the sample ballot is to be
4 sent to an addressee who, or a residence address which, does not
5 receive **[his]** mail by delivery to **[his home]** the addressee's home
6 or to the residence address or through rural free delivery "if not
7 delivered within 5 days return to the commissioner of registration'
8 and in all other cases "if not delivered within 2 days return to the
9 commissioner of registration.' Do Not Forward. Return Postage
10 Guaranteed" over the return address of the commissioner of
11 registration. Such portion of the ballot may contain such additional
12 words that conform with United States Postal regulations that will
13 prevent such envelope from being forwarded to **[the voter at]** any
14 other address than that appearing on the envelope, and that will
15 cause such envelope to be returned to the commissioner of
16 registration, with information thereon from the post office showing
17 the reason for nondelivery.

18 (3) Five sample ballots shall be posted as now required by law.

19 c. For all general and special elections the county clerk, and for
20 all primary and municipal elections the municipal clerks, shall, at
21 least 30 days preceding any such election, make the arrangements
22 necessary to be made with the postmaster or postmasters in their
23 respective counties and municipalities to have the said sample
24 ballots mailed under the postal laws and regulations, and forthwith
25 notify the said commissioner of registration in writing to that effect.

26 d. Notwithstanding any other provisions of this section, in all
27 elections: (1) whenever registered voters having different surnames
28 reside at the same residence address, each registered voter at that
29 residence address shall be mailed a separate sample ballot; and (2)
30 every registered voter whose mailing address is a post office box
31 shall be mailed a separate sample ballot.

32 (cf: P.L.1974, c.30, s.14)

33

34 12. This act shall take effect on January 1, 2013.